

SB2633



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2633

Introduced 1/20/2006, by Sen. Mike Jacobs

SYNOPSIS AS INTRODUCED:

420 ILCS 40/25

from Ch. 111 1/2, par. 210-25

Amends the Radiation Protection Act of 1990. Eliminates fee provisions authorizing the Illinois Emergency Management Agency to assess fees for the inspection and testing of radiation installations and radiation sources. Effective immediately.

LRB094 19002 RSP 54488 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Radiation Protection Act of 1990 is amended
5 by changing Section 25 as follows:

6 (420 ILCS 40/25) (from Ch. 111 1/2, par. 210-25)

7 (Section scheduled to be repealed on January 1, 2011)

8 Sec. 25. Radiation inspection and testing, ~~fees.~~

9 (a) The Agency shall inspect and test radiation
10 installations and radiation sources, their immediate
11 surroundings and records concerning their operation to
12 determine whether or not any radiation resulting therefrom is
13 or may be detrimental to health. For the purposes of this
14 Section, "radiation installation" means any location or
15 facility where radiation machines are used. ~~The inspection and~~
16 ~~testing frequency of a radiation installation shall be based on~~
17 ~~the installation's class designation in accordance with~~
18 ~~subsection (f).~~

19 Inspections of mammography installations shall also
20 include evaluation of the quality of mammography phantom images
21 produced by mammography equipment. The Agency shall promulgate
22 rules establishing procedures and acceptance standards for
23 evaluating the quality of mammography phantom images.

24 ~~Beginning on the effective date of this amendatory Act of~~
25 ~~1997 and until June 30, 2000, the fee for inspection and~~
26 ~~testing shall be paid yearly at an annualized rate based on the~~
27 ~~classifications and frequencies set forth in subsection (f).~~
28 ~~The annualized fee for inspection and testing shall be based on~~
29 ~~the rate of \$55 per radiation machine for machines located in~~
30 ~~dental offices and clinics and used solely for dental~~
31 ~~diagnosis, located in veterinary offices and used solely for~~
32 ~~diagnosis, or located in offices and clinics of persons~~

1 ~~licensed under the Podiatric Medical Practice Act of 1987 and~~
2 ~~shall be based on the rate of \$80 per radiation machine for all~~
3 ~~other radiation machines. The Department of Nuclear Safety may~~
4 ~~adopt rules detailing the annualized rate structure. For the~~
5 ~~year beginning January 1, 2000, the annual fee for inspection~~
6 ~~and testing of Class D radiation installations shall be \$25 per~~
7 ~~radiation machine. The Department is authorized to bill the~~
8 ~~fees listed in this paragraph as part of the annual fee~~
9 ~~specified in Section 24.7 of this Act.~~

10 ~~Beginning July 1, 2000, the Department of Nuclear Safety or~~
11 ~~its successor agency, the Illinois Emergency Management~~
12 ~~Agency, shall establish the fees under Section 24.7 of this Act~~
13 ~~by rule, provided that no increase of the fees shall take~~
14 ~~effect before January 1, 2001.~~

15 ~~(b) (Blank).~~

16 ~~(c) (Blank).~~

17 ~~(d) (Blank).~~

18 ~~(e) (Blank).~~

19 ~~(f) For purposes of this Section, radiation installations~~
20 ~~shall be divided into 4 classes:~~

21 ~~Class A — Class A shall include dental offices and~~
22 ~~veterinary offices with radiation machines used solely for~~
23 ~~diagnosis and all installations using commercially~~
24 ~~manufactured cabinet radiographic/fluoroscopic radiation~~
25 ~~machines. Operators of Class A installations shall have~~
26 ~~their radiation machines inspected and tested every 5 years~~
27 ~~by the Agency.~~

28 ~~Class B — Class B shall include offices or clinics of~~
29 ~~persons licensed under the Medical Practice Act of 1987 or~~
30 ~~the Podiatric Medical Practice Act of 1987 with radiation~~
31 ~~machines used solely for diagnosis and all installations~~
32 ~~using spectroscopy radiation machines, noncommercially~~
33 ~~manufactured cabinet radiographic/fluoroscopic radiation~~
34 ~~machines, portable radiographic/fluoroscopic units,~~
35 ~~non-cabinet baggage/package fluoroscopic radiation~~
36 ~~machines and electronic beam welders. Operators of Class B~~

1 ~~installations shall have their radiation machines~~
2 ~~inspected and tested every 2 years by the Agency.~~

3 ~~Class C - Class C shall include installations using~~
4 ~~diffraction radiation machines, open radiography radiation~~
5 ~~machines, closed radiographic/fluoroscopic radiation~~
6 ~~machines and radiation machines used as gauges. Test~~
7 ~~booths, bays, or rooms used by manufacturing, assembly or~~
8 ~~repair facilities for testing radiation machines shall be~~
9 ~~categorized as Class C radiation installations. Operators~~
10 ~~of Class C installations shall have their radiation~~
11 ~~machines inspected and tested annually by the Agency.~~

12 ~~Class D - Class D shall include all hospitals and all~~
13 ~~other facilities using mammography, computed tomography~~
14 ~~(CT), or therapeutic radiation machines. Each operator of a~~
15 ~~Class D installation shall maintain a comprehensive~~
16 ~~radiation protection program. The individual or~~
17 ~~individuals responsible for implementing this program~~
18 ~~shall register with the Department of Nuclear Safety or its~~
19 ~~successor agency, the Illinois Emergency Management~~
20 ~~Agency, in accordance with Section 25.1. As part of this~~
21 ~~program, the registered individual or individuals shall~~
22 ~~conduct an annual performance evaluation of all radiation~~
23 ~~machines and oversee the equipment-related quality~~
24 ~~assurance practices within the installation. The~~
25 ~~registered individual or individuals shall determine and~~
26 ~~document whether the installation's radiation machines are~~
27 ~~being maintained and operated in accordance with standards~~
28 ~~promulgated by the Agency. Class D installation shall be~~
29 ~~inspected annually by the Agency.~~

30 ~~(f 1) Radiation installations for which more than one class~~
31 ~~is applicable shall be assigned the classification requiring~~
32 ~~the most frequent inspection and testing.~~

33 ~~(f 2) Radiation installations not classified as Class A, B,~~
34 ~~C, or D shall be inspected according to frequencies established~~
35 ~~by the Agency based upon the associated radiation hazards, as~~
36 ~~determined by the Agency.~~

1 (g) The Agency is authorized to maintain a facility for the
2 purpose of calibrating radiation detection and measurement
3 instruments in accordance with national standards. The Agency
4 may make calibration services available to public or private
5 entities within or outside of Illinois and may assess a
6 reasonable fee for such services.

7 (Source: P.A. 94-104, eff. 7-1-05.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.